

April 4, 2016

By Federal Express

National Freedom of Information Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
hq.foia@epa.gov

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations, 40 C.F.R. Part 2, I respectfully request copies of agency records relating to EPA's proposed Risk Management Program (RMP) rule, including the related Request for Information (RFI).¹ Specifically, we request the following agency records relating to the RMP Proposal, to the extent that they are **not** docketed on regulations.gov:

1. All agency records relating to the "listening sessions" that EPA conducted for purposes of the RMP Proposal, including, but not limited to, transcripts of such sessions, recordings of such sessions, notes of such sessions, and/or emails reflecting such sessions.
2. All agency records that reflect or mention in-person meetings, phone calls or any other communications between EPA and non-governmental organizations and/or environmental groups, including but not limited to: Sierra Club, Greenpeace, Earthjustice, U.S. PIRG, NJ PIRG, Public Citizen, Coalition to Prevent Chemical Disasters, the Union of Concerned Scientists, Clean Water Action, Just Transition Alliance, Physicians for Social Responsibility, Moms Clean Air Force, Center for Effective Government, Environmental America, Friends of the Earth, Center for Health Environment and Justice, and BlueGreen Alliance.
3. All agency records provided by OSHA that EPA utilized, reviewed or considered pursuant to Section 112(r)(7)(B)(i) of the Clean Air Act, 42 U.S.C. § 7412(r)(7)(B)(i) ("The Administrator *shall* utilize the expertise of the Secretaries of Transportation and Labor in promulgating [RMP] regulations.") (emphasis added).

¹ See "Accident Prevention Release Requirements: Risk Management Programs under the Clean Air Act," 81 Fed. Reg. 16,637 (Mar. 14, 2016), Docket No. EPA-HQ-OEM-2015-0725 (the "RMP Proposal" or "Proposal"); "Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act, Section 112(r)(7)," 79 Fed. Reg. 44,604 (July 31, 2014), Docket No. EPA-HQ-OEM-2014-0328-0001 ("RFI").

4. All agency records reflecting or relating to communications between state and local government entities and EPA, including agency records reflecting or relating to communications between EPA and SERCs, LEPCs, and NASTTPO.
5. All agency records exchanged between EPA's Office of Land and Emergency Management (OLEM) and any EPA region, EPA's Office of Enforcement and Compliance Assurance (OECA), or other EPA component, including any data, facts, or other information provided to OLEM by the Regions, OECA or other EPA components.
6. All agency records relating to or reflecting communications with the press, including talking points and press statements.
7. Any agency records reflecting the contracts between EPA and government contractors who supported EPA on the Proposal, including Statements of Work.

Please send copies of all of these agency records to the following address:

Erin Ward, Esq.
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109

For purposes of this request, "agency records" shall be given the broadest construction possible under FOIA and 40 CFR Part 2, and shall be read to include, but not be limited to: memoranda, emails (whether sent from personal email addresses or official government email addresses), text messages, stored voice mail messages, transcripts of meetings, calendar entries for external meetings between EPA and someone outside of EPA, PowerPoint presentations, written or typed notes of the meetings, and any other agency records within the meaning of FOIA and 40 CFR Part 2.

My understanding is that OLEM is the lead EPA office for the RMP Proposal and therefore the bulk of the custodians for the responsive agency records should be within OLEM. Please note, however, that OECA and the EPA Regions also have responsive records, so please do not limit your search for responsive records to OLEM.

If you determine that some or all of the information requested above is exempt from release pursuant to the Freedom of Information Act, please advise me in writing which materials you deem exempt and the specific provision of the Freedom of Information Act that you believe exempts such materials from being released. I request copies of all non-exempt portions of any partially exempt materials. I expressly reserve the right to appeal any determination that an exemption applies. In the event that a diligent search of your records fails to locate any responsive documents, I request that you provide a certified statement to that effect.

I agree to pay all reasonable search and photocopying costs incurred in connection with the processing of this request. If it becomes apparent that such costs might exceed \$500, or if you have any questions regarding this request, please contact me at (202) 637-5747. Please forward your invoice to me along with the copies that I have requested as soon as possible. A copy of this request has also been submitted via EPA's online form, located at <https://foiaonline.regulations.gov/foia/action/public/home>.

We look forward to receiving responsive agency records within the time allotted by FOIA. If you have any questions, including the need to clarify the scope or meaning of the FOIA request, my associate Erin Ward will act as the point of contact. Her telephone number is 202-637-5756. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Justin A. Savage/msk".

Justin A. Savage

Partner

justin.savage@hoganlovells.com

D +1 202 637 5558